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Filing date: **12/06/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91177807
Party	Plaintiff 7-Eleven, Inc.
Correspondence Address	CHARLES R. MANDLY, JR. FOLEY & LARDNER LLP 321 NORTH CLARK STREET, 28TH FLOOR CHICAGO, IL 60654 UNITED STATES PTOMailChicago@foley.com, dcopland@foley.com, cmandly@foley.com, jolsen@foley.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Jason A. Berta
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Signature	/JasonBerta/
Date	12/06/2010
Attachments	Opposer's Supplemental Notice of Reliance on Applicant's Discovery Responses.pdf ( 45 pages )(1122040 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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7-ELEVEN, INC.,

Opposer,

v.

SUSAN B. BUCENELL,

Applicant.

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Opposition No. 91177807

**OPPOSER'S SUPPLEMENTAL NOTICE OF RELIANCE ON**  
**APPLICANT'S DISCOVERY RESPONSES**

Opposer, 7-Eleven, Inc. ("7-Eleven"), in accordance with Rule 2.120(j) of the Trademark Rules of Practice, hereby gives notice of reliance upon the following responses made by Applicant to written interrogatories in this proceeding:

1. Applicant's Answers and Objections to Opposer's First Set of Interrogatories to Applicant (served October 1, 2007) at Interrogatory No. 7.

2. *Id.* at supplemental answer to Interrogatory No. 7(a) (served Jan. 9, 2008).

3. *Id.* at supplemental answer to Interrogatory No. 12 (served Jan. 9, 2008).

4. *Id.* at supplemental answer to Interrogatory No. 4 (served May 19, 2008).

5. *Id.* at supplemental answer to Interrogatory No. 4 (served Oct. 22, 2008).

Opposer, in accordance with Rule 2.120(j) of the Trademark Rules of Practice and Rule 804(3) of the Federal Rules of Evidence, hereby gives notice of reliance upon the following written responses made by or on behalf of Applicant to written document requests in this proceeding:

6. Applicant's Responses and Objections to Opposer's First Set of Requests to Produce Document or Things (served Oct. 1, 2007) at response to Request No. 5.

7. *Id.* at response to Request No. 6.
8. *Id.* at supplemental response to Request No. 1 (served Nov. 15, 2007).
9. *Id.* at supplemental response to Request No. 2 (served Nov. 15, 2007).
10. *Id.* at supplemental response to Request No. 3 (served Nov. 15, 2007).
11. *Id.* at supplemental response to Request No. 7 (served Jan. 9, 2008).
12. *Id.* at supplemental response to Request No. 5 (served May 19, 2008).
13. *Id.* at supplemental response to Request No. 7 (served May 19, 2008).
14. *Id.* at supplemental response to Request No. 5 (served Oct. 22, 2008).

True copies of such responses are attached hereto.

Dated: December 6, 2010

Respectfully submitted,

FOLEY & LARDNER LLP



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Charles R. Mandly, Jr.  
David A. Copland  
Jason A. Berta  
321 North Clark Street, Suite 2800  
Chicago, Illinois 60610-4764  
312.832.4500 Telephone  
312.832.4700 Facsimile

Attorneys for Opposer  
7-ELEVEN, INC.

**CERTIFICATE OF SERVICE**

I, Jason A. Berta , counsel for Opposer, hereby certify that a copy of the foregoing  
OPPOSER'S SUPPLEMENTAL NOTICE OF RELIANCE ON APPLICANT'S DISCOVERY  
RESPONSES was served this 6th day of December, 2010 via first class mail, postage prepaid  
upon Applicant at:

Susan B. Bucenell  
30623 Bittsbury Ct.  
Wesley Chapel, FL 33543



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Jason A. Berta

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

7-ELEVEN, INC.,

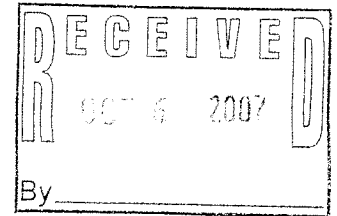
Opposer,

v.

SUSAN B. BUCENELL,

Applicant.

Opposition No. 91177807



TF \_\_\_\_\_  
XC CRM  
XC DAC  
XC JHO  
XC DKF

**APPLICANT'S ANSWERS AND OBJECTIONS TO  
OPPOSER'S FIRST SET OF INTERROGATORIES**

Applicant, Susan B. Bucenell ("Applicant"), hereby serves the following answers and objections to opposer, 7-Eleven, Inc.'s ("Opposer") interrogatories:

**GENERAL OBJECTIONS**

1. Applicant objects to each Interrogatory to the extent that it seeks information that violates any constitutional, statutory, or common law privacy interests of Applicant and/or any current or former employee or representative of Applicant.

2. Applicant objects to each Interrogatory to the extent that it seeks information already within the Opposer's knowledge, possession, or control because such information is equally or more readily available to Opposer and, therefore, the Interrogatories are unduly burdensome.

3. Applicant objects to each Interrogatory to the extent that it seeks information not within the possession, custody, or control of Applicant because such information is equally or more readily available to Opposer and, therefore, the Interrogatories are unduly burdensome.

4. Applicant objects to each Interrogatory to the extent that it seeks discovery of statutes, regulations, case law or legal research as said is equally available to Opposer.

5. Applicant objects to each Interrogatory to the extent that it is vague, overly broad, unduly burdensome, oppressive, not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

6. Applicant objects to the extent Opposer deemed the foregoing Interrogatories ongoing in nature. Applicant will supplement her responses hereto only to the extent required by the applicable rules of civil procedure.

7. Applicant reserves the right to correct errors, interpose supplemental objections, and provide supplemental Answers in the event additional documents or information responsive to these Interrogatories is discovered.

8. Applicant reserves the right to object to the admission into evidence of information and documents made available in Answers to any Interrogatory on any ground, including but not limited to, the ground that the information or document is privileged, irrelevant and/or immaterial to the issues in this action. Nothing in Applicant's Answers to any Interrogatory may be construed as an admission respecting the admissibility or relevance of any fact or document or of the truth or accuracy of any characterization of any kind contained in Opposer's Interrogatories.

### **ANSWERS AND SPECIFIC OBJECTIONS**

#### **INTERROGATORY NO. 1:**

Identify by its ordinary commercial name and mark used, all products in connection with which applicant has used, uses or intends to use the mark HEALTHY GULP, or any other name or mark composed, in whole or in part, of the term "gulp" (e.g., WATER GULP, GULP), and the geographic scope of such use (hereinafter occasionally each product to be identified bearing a different name and mark may be individually described or identified as a "branded product" or "branded good").

**ANSWER:** The ordinary commercial name is "Healthy Gulp," currently intending to be marketed and distributed throughout the United States, North America.

#### **INTERROGATORY NO. 2:**

(a) For each different product and name or mark to be identified in response to Interrogatory 1 above, identify the date upon which applicant first used the identified name or mark in connection with such goods, and describe the manner and circumstances of such first use.

(b) For each different product and name or mark to be identified in response to Interrogatory 1 above, identify whether such branded product has been continuously marketed and sold since the identified date of first use, and if such marketing and sales have not been continuous since that date, identify the dates during which such branded goods were not marketed and sold, the reason such branded goods were not marketed and sold during such period.

**ANSWER:**

(a) Identified Mark "Healthy Gulp" was first used in August of 2005 while conducting concept and product development.

(b) Healthy Gulp has been continuously marketed since August of 2005. Sales of Healthy Gulp did not commence until late August of 2007.

**INTERROGATORY NO. 3:**

For each different product and name or mark to be identified in response to Interrogatory 1 above, identify the method of sale and distribution, and describe with particularity the channels of distribution and channels of trade with which applicant has used, uses, or intends to sell and distribute each identified branded good.

**ANSWER:** Healthy Gulp is currently distributed solely by Applicant through Healthy Gulp's website, [www.healthygulp.com](http://www.healthygulp.com), and through Ebay's website, [www.ebay.com](http://www.ebay.com). Applicant reserves the right to change her methods of sale and distribution in the future although she has no specific plans to do so now.

**INTERROGATORY NO. 4:**

Identify the annual volume of sales, in dollars and units, of each branded product to be identified in response to Interrogatory Number 1 above.

**ANSWER:** Objection. The information sought by this interrogatory is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing objections, Healthy Gulp does not have any "annual" sales figures. Product sales did not commence until late August 2007. Therefore, once end of year sales figures are available, applicant will provide those figures.

**INTERROGATORY NO. 5:**

Identify each person who participated in the creation or design of any advertising, marketing or other promotional materials used or intended for use in connection with each branded product to be identified in response to Interrogatory Number 1 above.

**ANSWER:** Objection. The information sought by this interrogatory is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

**INTERROGATORY NO. 6:**

For each name or mark to be identified in response to Interrogatory Number 1 above:

(a) Identify each person responsible for applicant's selection, adoption and use of the name or mark; and,

(b) If not identified in Interrogatory Number 6 (a) above, identify all persons with knowledge of applicant's selection, adoption and use of the name or mark.

**ANSWER:** Objection. The information sought by this interrogatory is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, the information sought by this Interrogatory is overly broad and unduly burdensome to the extent that it seeks identification of "all persons" with knowledge of Applicant's use of the name "Healthy Gulp."

**INTERROGATORY NO. 7:**

(a) For each name or mark to be identified in response to Interrogatory Number 1 above, identify, by date of assignment, parties thereto, subject name or mark, subject goods, services or business, each assignment of trademark, trade name or other trade identity rights, of which applicant has any knowledge.

(b) For each name or mark to be identified in response to Interrogatory Number 1 above, identify, by date of license grant or consent, parties thereto, subject name or mark, subject goods, services or business, each assignment or consent to use of trademark, trade name or other trade identity rights, of which applicant has any knowledge.

(c) Identify each person with knowledge of the facts to be identified in Interrogatory Number 7(a) and Interrogatory Number 7(b) above.

**ANSWER:** \_\_\_\_\_

(a) Healthy Gulp. See [www.uspto.com](http://www.uspto.com) All responsive documents are available online.

(b) None.

(c) Applicant, Susan B. Bucenell



**INTERROGATORY NO. 8:**

Describe with particularity all advertising and promotional material which has ever been used by applicant for each branded product to be identified in response to Interrogatory Number 1 above, including, but not limited to the specific types of advertising used (e.g., catalogs, brochures, television advertising, radio advertising, newspaper advertising, etc., the date when such advertising was used and the geographic location (identified by state) where such advertising was used, state the total expenditures each month, categorized by advertising method, for such advertising from first use to date; identify the person(s) most knowledgeable about information responsive to this interrogatory.

**ANSWER:**       Objection. The information sought by this interrogatory is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing objections, see attached copies of marketing materials used by Applicant to market Healthy Gulp.

**INTERROGATORY NO. 9:**

Identify, by date conducted, persons involved, subject mark or other pertinent subject matter designation, methodology employed and results obtained, every survey, investigation, trademark search or other inquiry conducted by, or on behalf, of applicant in connection with each name or mark to be identified in response to Interrogatory Number 1 above, and identify each person with knowledge of each such survey, investigation, trademark search or other inquiry.

**ANSWER:**       None.

**INTERROGATORY NO. 10:**

If not identified in response to Interrogatory Number 9 above, identify, by date conducted, persons involved, subject mark or other pertinent subject matter designation, methodology employed and results obtained, every survey, consumer reaction test, market test, poll or research, or other inquiry conducted by, or on behalf of applicant in connection with each name or mark to be identified in response to Interrogatory Number 1 above, and identify each person with knowledge of each such survey, consumer reaction test, market test, poll or research, or other inquiry.

**ANSWER:**       See response to Interrogatory No. 9.

**INTERROGATORY NO. 11:**

For each name or mark to be identified in response to Interrogatory Number 1 above, identify, by subject name or mark, subject goods, services or business, person rendering and person receiving, each and every opinion concerning trademark, trade name or other trade identity rights thereto of which applicant has any knowledge.

**ANSWER:** \_\_\_\_ Objection. The information sought by this interrogatory is not relevant, not reasonably calculated to lead to the discovery of admissible evidence and vague. Subject to the foregoing objections, none.

**INTERROGATORY NO. 12:**

(a) Describe the circumstances under which applicant first obtained any knowledge or information about opposer's use of each of the GULP Marks.

(b) If not identified in response to Interrogatory Number 12(a) above, identify each fact concerning opposer and its use of each of the GULP Marks of which applicant has any knowledge.

(c) Identify each person who has knowledge of each fact to be identified in response to Interrogatory Number 12(a) and Interrogatory Number 12(b) above.

**ANSWER:** \_\_\_\_ Objection. The information sought by this interrogatory is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

**INTERROGATORY NO. 13:**

Identify each person applicant intends to call as an expert in this proceeding, and as to each such expert state:

(a) The subject matter on which he is expected to testify;

(b) The substance of the facts and opinions to which he is expected to testify; and,

(c) A summary of the grounds for each opinion including the identification and description of each document the expert used or relied upon in forming each opinion.

**ANSWER:** \_\_\_\_ Applicant has not yet determined whether she will call an expert witness to testify at the proceeding of this matter. Applicant will supplement her response hereto if and when appropriate.

**INTERROGATORY NO. 14:**

If not previously identified, identify, by date conducted, persons involved, subject mark or other pertinent subject matter designation, methodology employed and results obtained, any investigation, search, survey, test, study, poll or other inquiry which refer or relate in anyway to opposer or any of its GULP Marks.

**ANSWER:** See response to Interrogatory No. 9.

**INTERROGATORY NO. 15:**

Identify, by subject name, mark or other right, subject goods, services or business, person making protest or objection, person receiving protest or objection, date of such protest or objection, basis for such protest or objection, and outcome of such protest or objection, each objection or protest relating to the use of any trade name, trademark or other trade identity right composed, in whole or in part, of the term “gulp”, of which applicant has any knowledge.

**ANSWER:** Objection. The information sought by this interrogatory is not relevant and not reasonably calculated to lead to the discovery of admissible evidence as it does not appear to be limited to protests or objections to “Healthy Gulp.” Moreover, the information sought by this Interrogatory is overly broad, unduly burdensome and equally available to Opposer as to Applicant. Subject to the foregoing objections, Applicant is not aware of any other party objecting to her use of the name “Healthy Gulp” other than Opposer.

**INTERROGATORY NO. 16:**

For each branded product to be identified in Interrogatory Number 1 above, identify each person who participated in the creation or design or any package, label, tag, wrapper or other form of marking used or intended for use in connection with each product.

**ANSWER:** Objection. The information sought by this interrogatory is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing objections, Applicant has agreed to provide Opposer with sample specimens of Healthy Gulp which include a product label. See response to Request for Production No. 1.

**INTERROGATORY NO. 17:**

Identify, by persons involved, location and date of occurrence, each instance of actual confusion, mistake or deception, involving on the one hand, applicant or applicant's use of any of the names or mark to be identified in Interrogatory Number 1 above, and, on the other hand, opposer or opposer's use of any of the GULP Marks; and identify each person who has knowledge or information regarding each such instance of actual confusion, mistake or deception.

**ANSWER:** None.

**INTERROGATORY NO. 18:**

Identify, by person manufacturing or distributing, particular trademark or name in use, ordinary commercial name of goods, annual volume of products distributed, and geographic territory in which distributed, each third party product known to applicant to be sold or distributed in the United States under a name or mark composed, in whole or in part, of the term "gulp."

**ANSWER:** Objection. The information sought by this interrogatory is not relevant and not reasonably calculated to lead to the discovery of admissible evidence as it does not appear to be limited to "Healthy Gulp." Moreover, the information sought by this Interrogatory is overly broad, unduly burdensome and equally available to Opposer as to Applicant.

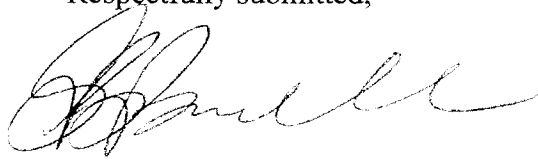
**INTERROGATORY NO. 19:**

If not previously identified, identify and describe in detail all use by Applicant of the mark HEALTHY GULP prior to June 24, 2006.

**ANSWER:**

See response to Interrogatory No. 2.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bucenell", with a large, stylized initial "B" and a long, sweeping horizontal stroke at the end.

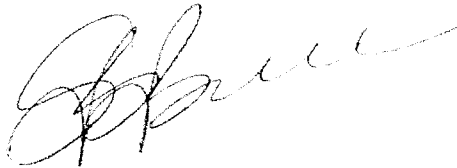
Susan B. Bucenell  
30623 Bittsbury Court  
Wesley Chapel, FL 33543

**CERTIFICATE OF SERVICE**

I, Susan B. Bucenell, hereby certify that a copy of the foregoing, APPLICANT'S ANSWERS AND OBJECTIONS TO OPPOSER'S FIRST SET OF INTERROGATORIES was served on the following counsel of record this 1st day of October, 2007, by mailing a true and accurate copy of same via US Mail postage prepaid:

Craig S. Fochler  
Charles R. Mandly  
David A. Copland  
321 North Clark Street  
Chicago, Illinois 60610

Susan B. Bucenell

A handwritten signature in black ink, appearing to read 'S. Bucenell', with a long horizontal flourish extending to the right.

RECEIVED  
OCT 6 2007  
By \_\_\_\_\_

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

7-ELEVEN, INC.,

Opposer,

v.

SUSAN B. BUCENELL,

Applicant.

Opposition No. 91177807

TF \_\_\_\_\_  
XC CRM  
XC DAC  
XC JMO  
XC DK+

**APPLICANT'S RESPONSES AND OBJECTIONS TO  
OPPOSER'S FIRST SET OF REQUESTS TO PRODUCE DOCUMENTS OR  
THINGS**

Applicant, Susan B. Bucenell ("Applicant"), hereby serves the following answers and objections to opposer, 7-Eleven, Inc.'s ("Opposer") request for production of documents or things:

**GENERAL OBJECTIONS**

1. Applicant objects to each Request to the extent that it seeks information that violates any constitutional, statutory, or common law privacy interests of Applicant and/or any current or former employee or representative of Applicant.

2. Applicant objects to each Request to the extent that it seeks information already within the Opposer's knowledge, possession, or control because such information is equally or more readily available to Opposer and, therefore, the Requests are unduly burdensome.

3. Applicant objects to each Request to the extent that it seeks information not within the possession, custody, or control of Applicant because such information is equally or more readily available to Opposer and, therefore, the Requests are unduly burdensome.

4. Applicant objects to each Request to the extent that it seeks discovery of statutes, regulations, case law or legal research as said is equally available to Opposer.

5. Applicant objects to each Request to the extent that it is vague, overly broad, unduly burdensome, oppressive, not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

6. Applicant objects to the extent Opposer deemed the foregoing Requests ongoing in nature. Applicant will supplement her responses hereto only to the extent required by the applicable rules of civil procedure.

7. Applicant reserves the right to correct errors, interpose supplemental objections, and provide supplemental Responses in the event additional documents or information responsive to these Requests is discovered.

8. Applicant reserves the right to object to the admission into evidence of information and documents made available in Answers to any Request on any ground, including but not limited to, the ground that the information or document is privileged, irrelevant and/or immaterial to the issues in this action. Nothing in Applicant's Answers to any Request may be construed as an admission respecting the admissibility or relevance of any fact or document or of the truth or accuracy of any characterization of any kind contained in Opposer's Requests.

### **RESPONSES AND SPECIFIC OBJECTIONS**

1. Two (2) specimens of each branded product to be identified in response to Interrogatory Number 1 served concurrently herewith.

**RESPONSE:** \_\_\_\_\_ Applicant will provide two specimens of each branded product to counsel for Opposer upon receipt of prepayment of \$16.81, which represents the cost of the product plus shipping and handling.

2. For each branded product to be identified in response to Interrogatory Number 1 served concurrently herewith, a sample of each different package, wrapping, label or other item showing the affixation of such name or mark to the subject product.

**RESPONSE:** \_\_\_\_\_ All labeling used will be on the products when shipped pursuant to Request No. 1.

3. For each branded product to be identified in response to Interrogatory Number 1 served concurrently herewith, a sample of each piece of advertising, marketing or other promotional material created or used for such product.

**RESPONSE:** \_\_\_\_\_ Objection. The documents sought by this request are not relevant and not reasonably calculated to lead to the discovery of admissible evidence to the extent the request seeks all promotional material "created." Subject to the foregoing objections, Applicant will produce copies of promotional material used for Healthy Gulp. See enclosed materials.



4. For each branded product to be identified in response to Interrogatory Number 1 served concurrently herewith, all documents which refer or relate to applicant's first use of the subject name or mark for the subject product.

**RESPONSE:** \_\_\_\_\_ Objection. The documents sought by this request are not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, this request is overly broad, unduly burdensome and vague.

5. Documents sufficient to show applicant's annual sales, in units and dollars, of each branded product to be identified in response to Interrogatory Number 1 served concurrently herewith.

**RESPONSE:** \_\_\_\_\_ Objection. The documents sought by this request are not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing objections, none at this time. Marketing efforts to date have primarily focused on brand and product recognition via the mailing of free samples. Product sales did not commence until the 4th quarter of 2007. End of quarter sales report not complete.

6. For each branded product to be identified in response to Interrogatory Number 1 served concurrently herewith, documents sufficient to establish the channels of trade, including the types of retail outlets, through each such product is sold or distributed.

**RESPONSE:** \_\_\_\_\_ See Applicant's website which identifies the current methods of trade of Healthy Gulp. [www.healthygulp.com](http://www.healthygulp.com)

7. For each branded product to be identified in response to Interrogatory Number 1 served concurrently herewith, documents sufficient to establish the geographic territory in which each such product has been marketed, sold and distributed.

**RESPONSE:** \_\_\_\_\_ There are no documents responsive to this request.

8. For each branded product to be identified in response to Interrogatory Number 1 served concurrently herewith, documents sufficient to establish applicant's annual expenditures for advertising and other promotional materials.

**RESPONSE:** \_\_\_\_\_ Objection. The documents sought by this request are not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

9. For each advertisement to be produced in response to Request Number 3 above, documents sufficient to identify all media outlets (e.g., periodicals, radio stations or television stations) through which such material was distributed or broadcast, including the dates and frequency of distribution or broadcast, and the geographic scope of distribution or broadcast.

**RESPONSE:** \_\_\_\_ Objection. The documents sought by this request are not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing objections, none.

10. For each branded product to be identified in response to Interrogatory Number 1 served concurrently herewith, all documents which refer or relate to applicant's selection of or decision to use the subject name or mark with the subject goods.

**RESPONSE:** \_\_\_\_ Objection. The documents sought by this request are not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, this request is overly broad.

11. All documents which refer or relate to each survey, investigation, trademark search or other inquiry to be identified in response to Interrogatory Number 9 served concurrently herewith.

**RESPONSE:** \_\_\_\_ None.

12. All documents which refer or relate to each survey, consumer reaction test, market test, poll or research, or other inquiry to be identified in response to Interrogatory Number 10 served concurrently herewith.

**RESPONSE:** \_\_\_\_ None.

13. For each piece of advertising, marketing or other promotional material to be produced in response to Request Number 3 above, all documents which refer or relate to the creation or authorship of such materials.

**RESPONSE:** \_\_\_\_ Objection. The documents sought by this request are not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, this request is overly broad and unduly burdensome.

14. All documents which refer or relate to each assignment to be identified in response to Interrogatory Number 7(a) served concurrently herewith.

**RESPONSE:** \_\_\_\_\_None.

15. All documents which refer or relate to each license or consent to be identified in response to Interrogatory Number 7(b) served concurrently herewith.

**RESPONSE:** \_\_\_\_\_None.

16. All documents which refer or relate to each opinion to be identified in response to Interrogatory Number 11 served concurrently herewith.

**RESPONSE:** \_\_\_\_\_See response to Interrogatory No. 11.

17. All documents which refer or relate to applicant's knowledge of opposer and each of opposer's GULP Marks.

**RESPONSE:** \_\_\_\_\_Objection. The documents sought by this request are not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, this request is overly broad and unduly burdensome.

18. All documents upon which any expert retained by applicant relied in formulating or rendering any opinion rendered in connection with this proceeding.

**RESPONSE:** \_\_\_\_\_Objection. The documents sought by this request are not discoverable under the Federal Rules of Civil Procedure. Applicant will provide all discoverable information pertaining to expert witnesses to be called to testify at the proceedings of this matter only, if and when appropriate.

19. All documents (including all prior drafts) which memorialize any expert opinion obtained by applicant in connection with this proceeding.

**RESPONSE:** \_\_\_\_\_See response to Request No. 18.

20. For each branded product to be identified in response to Interrogatory Number 1 served concurrently herewith, all documents which refer or relate to the creation or design of labels, packages, wrappings, containers, package inserts or other packaging materials, whether or not actually used.

**RESPONSE:** \_\_\_\_\_ Objection. The documents sought by this request are not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, this request is overly broad and unduly burdensome.

21. For each name or mark to be identified in response to Interrogatory Number 1 served concurrently herewith, all documents, including but not limited to applications for registrations, certificates of registration, correspondence and memoranda, which refer or relate to any application to register filed by or on behalf of applicant, or any registration acquired by applicant in the United States Patent and Trademark Office or in any state of the United States.

**RESPONSE:** \_\_\_\_\_ Refer to [www.uspto.com](http://www.uspto.com). All responsive documents are available online.

22. All documents which refer or relate to any instances of actual confusion, mistake or deception to be identified in response to Interrogatory Number 17 served concurrently herewith.

**RESPONSE:** \_\_\_\_\_ None.

23. If not previously produced, all documents which refer or relate to any studies, opinions or reports, including but not limited to studies, opinions or reports of advertising and marketing agencies, and polling, public relations, market research and public opinion agencies, consulted or retained by applicant, or by any person or persons acting for or its behalf, which refer or relate to applicant's use of the HEALTHY GULP mark or any variant thereof, or opposer's use of any of the GULP Marks.

**RESPONSE:** \_\_\_\_\_ See previous responses.

24. Documents sufficient to identify each product in connection with which applicant proposes to use in the future, but is not now using, the HEALTHY GULP mark or any variant thereof, including any name or mark composed, in whole or in part, of the term "gulp."

**RESPONSE:** \_\_\_\_\_ None at this time.

25. All documents which refer or relate to each protest or objection to be identified in response to Interrogatory Number 15 served concurrently herewith.

**RESPONSE:** \_\_\_\_\_ See response to Interrogatory No. 15.

26. All documents which refer or relate to each third party product to be identified in response to Interrogatory Number 18 served concurrently herewith.

**RESPONSE:** \_\_\_\_\_ See response to Interrogatory No. 16.

27. If not previously produced, all documents which refer or relate in any way to any use by applicant of the mark HEALTHY GULP prior to June 24, 2006.

**RESPONSE:** \_\_\_\_\_ See attached Healthy Gulp draft logos which were discussed in August of 2005. Drafting of numerous logo concepts were also initiated in August of 2005. The attached logos were not selected as Healthy Gulp's logo.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Susan B. Bucenell', written in a cursive style.

Susan B. Bucenell  
30623 Bittsbury Court  
Wesley Chapel, Florida 33543

**CERTIFICATE OF SERVICE**

I, Susan B. Bucenell, hereby certify that a copy of the foregoing, APPLICANT'S ANSWERS AND OBJECTIONS TO OPPOSER'S FIRST SET OF INTERROGATORIES was served on the following counsel of record this 1st day of October, 2007, by mailing a true and accurate copy of same via US Mail postage prepaid:

Craig S. Fochler  
Charles R. Mandly  
David A. Copland  
321 North Clark Street  
Chicago, Illinois 60610

Susan B. Bucenell

A handwritten signature in black ink, appearing to read 'S. Bucenell', written in a cursive style.

November 15, 2007

Foley & Lardner LLP  
321 North Clark Street  
Suite 2800  
Chicago, IL 60610-4764

NOV 26 2007  
E.R.

Re: HEALTHY GULP  
Application Serial No. 78/916,143

Dear Mr. Copeland,

Please find the enclosed Healthy Gulp specimens, as well as two promotional "give-aways", namely a frisbee and a water bowl.

Per our discussion today, responses to your questions in your letter dated 11/7/2007, will be forthcoming.

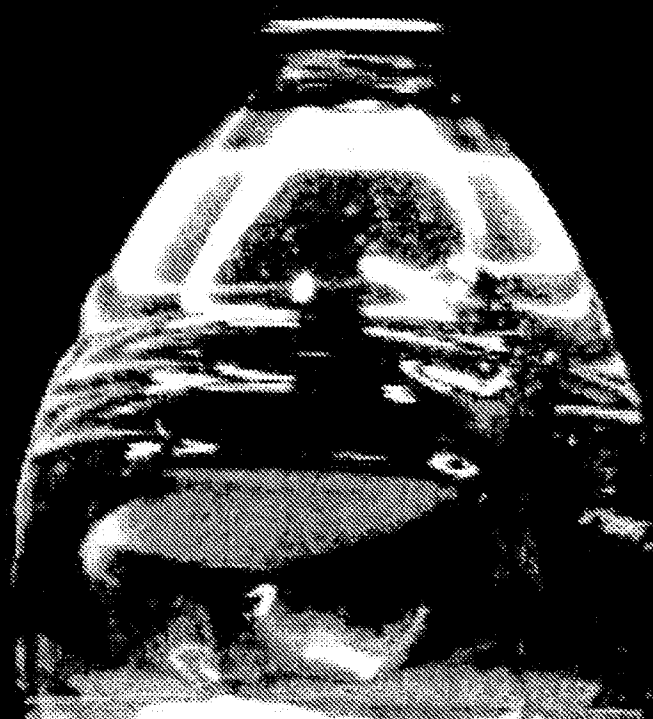
Sincerely,

A handwritten signature in cursive script, appearing to read "Susan Bucenell".

Susan Bucenell  
Healthy Gulp







Nutrition Facts	
Per 16.9 fl. oz. (500 mL)	
Calories 0	
Total Sugars 0g	
Sodium 0mg	
Total Fat 0g	
Protein 0g	
Other Ingredients: Natural Flavors, Citric Acid, Potassium Citrate	

For information call  
1-877-HEALTHY-GUILT-FREE  
or visit  
[www.healthyguiltfree.com](http://www.healthyguiltfree.com)

Mandy Back  
Executive

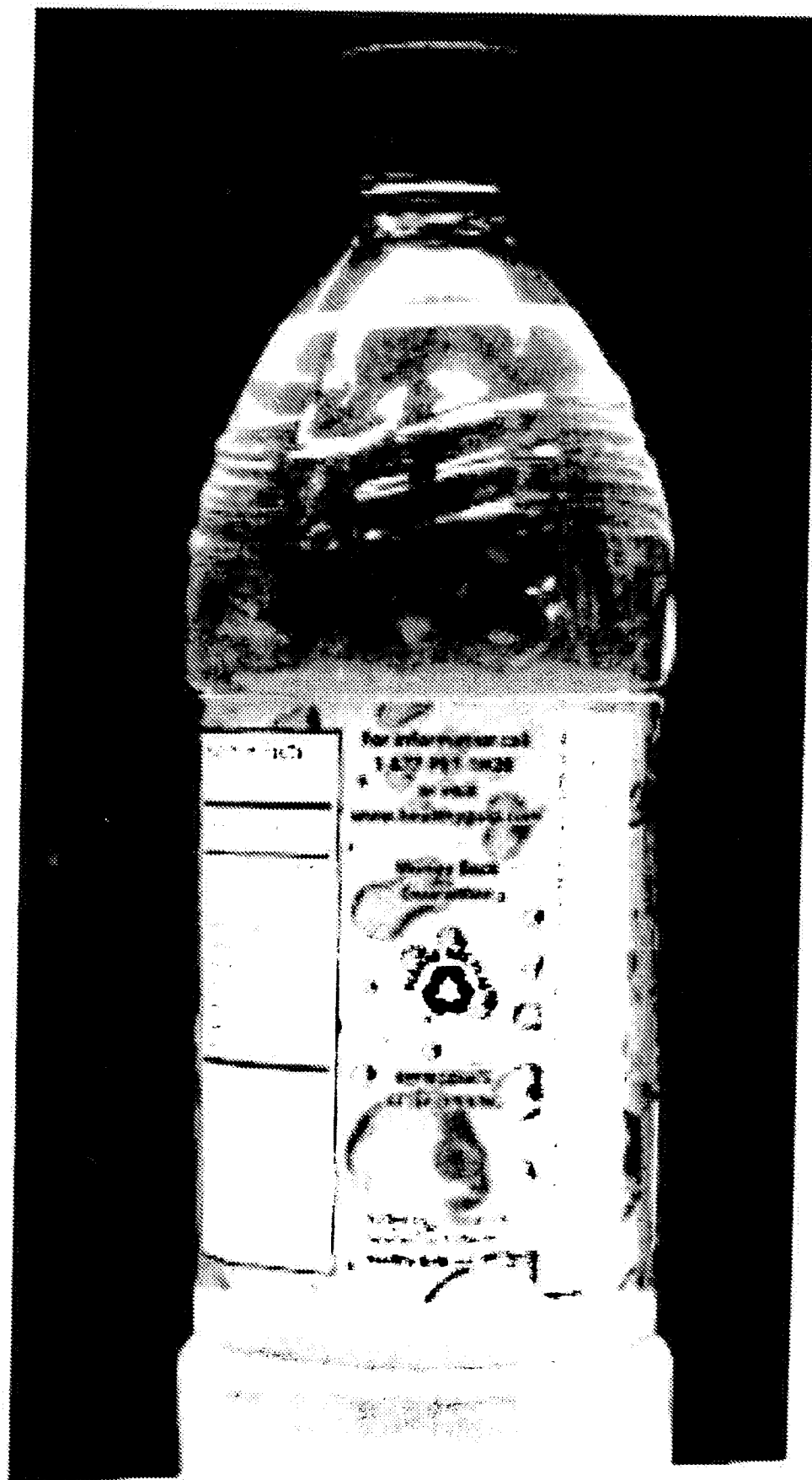
RECYCLE

REFRIGERATE  
AFTER OPENING

HEALTHY GUILT FREE

HEALTHY GUILT FREE





1-877-875-1000

For information call  
1-877-875-1000  
or visit  
www.healthysource.com

Recycle Back  
Logo



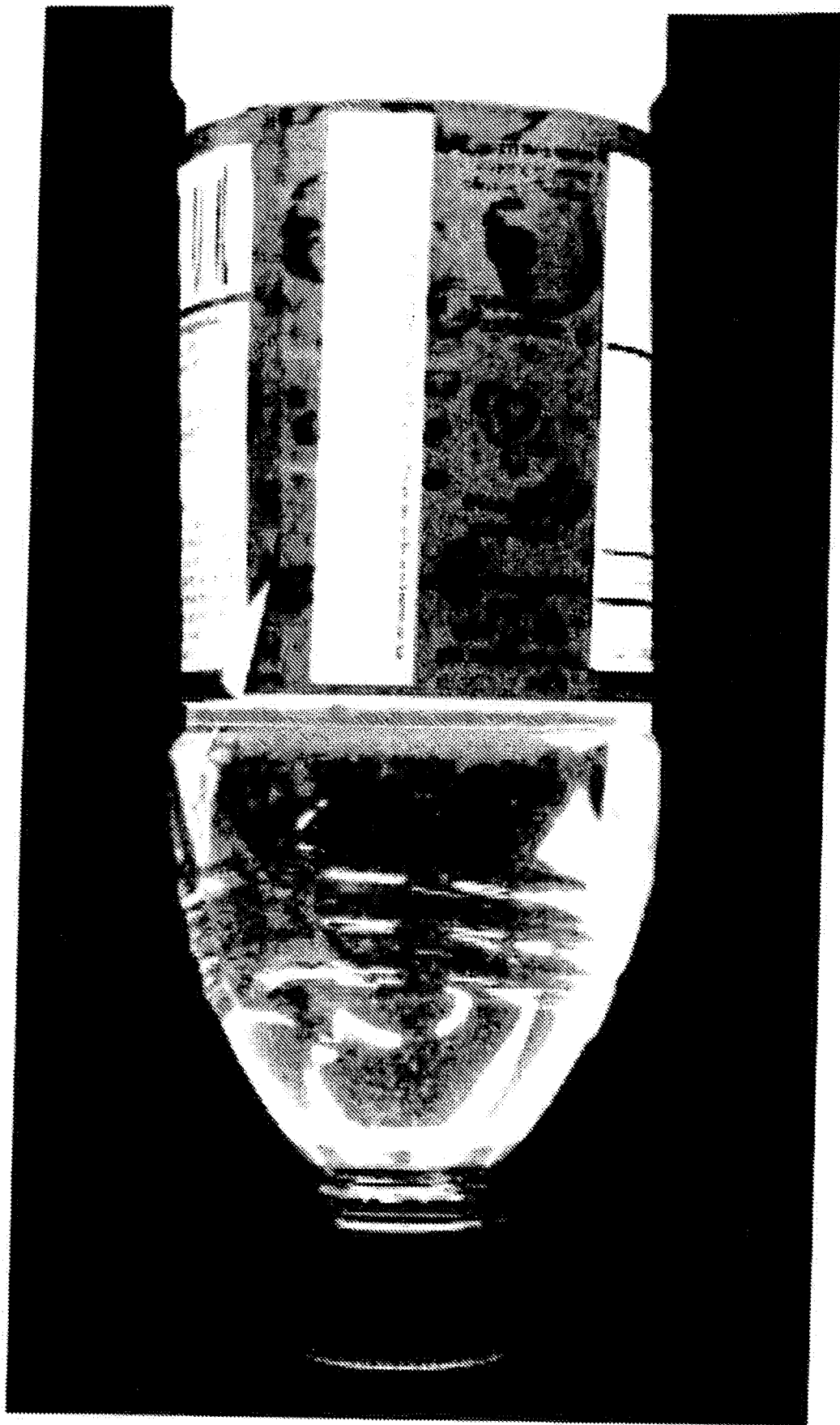
100% Recycled  
PET Plastic



100% Recycled  
PET Plastic

Recycle Back  
Logo







January 9, 2008

Foley & Lardner LLP  
321 North Clark Street  
Suite 2800  
Chicago, IL 60610-4764

JAN 14 2008

ER

Re: HEALTHY GULP  
Application Serial No. 78/916,143

Dear Mr. Copeland,

This letter is in response to your request for a supplementation of my discovery responses.

Document Requests

2. Although the response is clear in that it states "all" labeling, your inquiry is confirmed.

3. The promotional materials provided comprise all materials that have been used. Please see the enclosed materials that have been created but not used.

4. This request is somewhat vague in that "use" is not defined. However, the Healthy Gulp mark was first "used" in July 2005 during the product concept and development phase. Please see draft logos previously provided with Applicant's original response to Opposer's discovery requests. The only other document available from this phase is an invoice from a graphic artist dated April 26, 2006 who designed a logo for Healthy Gulp that was not used, a copy of which is attached. Applicant has no other documentation available responsive to this request due to a hard drive crash of her computer in early 2007.

5. The response provided specifically stated that product sales did not commence until the 4<sup>th</sup> quarter of 2007 and the end of quarter sales report is not yet complete. Please state the relevance of this information to this matter and sales information will be provided when available, if relevant.

7. As previously stated in Interrogatory responses, Healthy Gulp is marketed worldwide via the World Wide Web at Healthygulp.com. Please feel free to print the pages off of the website at your convenience. Healthy Gulp has been given free of charge to adoptive parents of DARE (Dachshund Adoption, Rescue and Education) dogs

and at the Paws For Cocktails benefit for the Atlanta Pet Rescue on November 29, 2007. Healthy Gulp was an official sponsor of the 2007 Stampede in Wesley Chapel, Florida and samples of Healthy Gulp were given away at the event. Healthy Gulp was also showcased at the annual "Next Best Idea" contest at QVC in 2006, however, was not selected. There are no documents available from DARE responsive to this request. Copies of e-mails relative to the Paws benefit, 2007 Stampede and the QVC contest are attached hereto. Some documents relative to these events were lost due to a hard drive crash of Applicant's computer in early 2007. Healthy Gulp has been mailed throughout the country to friends and family. If necessary, a mailing list will be provided with names redacted.

8. Applicant has not paid for advertising to date. Applicant has incurred expenses for postage and free product samples; see copies of attached invoices for same.

10. There are no documents responsive to this request. The selection process for the name Healthy Gulp was one of personal brainstorming.

13. See attached contract with graphic artist, limited e-mails between Applicant and her graphic artist, e-mails between Applicant and her label company and invoice from label company. Some documents relative to these events were lost due to a hard drive crash of Applicant's computer in early 2007.

17. There are no documents responsive to this request.

18. This request is not limited to experts who will be called to testify in this matter and, therefore, seeks non-discoverable documents. However, to the extent that this request is limited to experts who will be called to testify in this matter, Applicant will supplement her response, if and when appropriate.

20. There are no additional documents responsive to this request other than those previously provided with Applicant's discovery responses. Earlier versions of the creation and design of the Healthy Gulp mark are not available due to a hard drive crash of Applicant's computer in early 2007. Applicant is providing an invoice from a graphic artist as referenced in number four above.

21. Although the response is clear in that it states "all responsive documents," your inquiry is confirmed.

25. Applicant will not stipulate that third party uses of names or marks composed in whole or in part of the term "gulp" are not relevant to this proceeding. Applicant further notes that the wording of Interrogatory No. 15, which is referenced in document request no. 25, is vague and unclear. The only documents in Applicant's possession at this time responsive to this request are filings in the matter of 7-Eleven, Inc. v. Gulp, copies of which are already in 7-Eleven, Inc.'s possession as it was the



Opposer.

26. You are correct that Applicant's response should have referred to Interrogatory No. 18. Again, Applicant will not stipulate as proposed in your letter. See response to request no. 25 above.

27. The draft logos are those not used on the Healthy Gulp samples provided. There are no additional documents available responsive to this request due to a hard drive crash of Applicant's computer in early 2007.

Interrogatories

1. The ordinary commercial name for the Healthy Gulp product is bottled water for cats and dogs, vitamin water for cats and dogs, bottled water for pets, and mineral and flavor enhanced bottled water for cats and dogs.

2. Healthy Gulp has been used as a mark for bottled water for cats and dogs. It has never been used in a different manner. However, the Healthy Gulp logo has been used on marketing products including water bowls, frisbees and t-shirts (a sample water bowl and frisbee have previously been provided with Applicant's original responses to Opposer's discovery requests).

4. Please see document request no. five above.

5. Please see number document request no. four above. In addition to Susan B. Bucenell, Monica Cevallos of Sniff Design and Marc Miller, Murray Label & Printing participated in the design of marketing and promotional materials for Healthy Gulp.

6. Please see document request no. 10 above. Susan B. Bucenell is the only individual responsible for Applicant's selection, adoption and use of the name Healthy Gulp. The only individuals with knowledge of Applicant's selection of the name Healthy Gulp are her friends and family.

7(a). Healthy Gulp has never been assigned from one party to another.

8. Please see document request no. eight above.

12. Applicant had heard the name "Big Gulp" from frequenting 7-Eleven years earlier. Applicant became aware of other marks which used the word "gulp" or a form thereof, including Opposer's use of the "GULP" marks, in connection with her research for the Healthy Gulp mark.

15. Applicant will not stipulate as proposed in your letter. Applicant is aware of the action filed by 7-Eleven in the matter of 7-Eleven, Inc. v. Gulp.

16. See response to Interrogatory no. five above.

18. Applicant will not stipulate as proposed in your letter. Applicant is aware of the following products which use the term "gulp": gulpy, gulp!, GULP, MaxiGulp, Gulp! Alive, Saltwater Gulp!, The Gulps!, Gulp!, Gulp Hydration Pack, Big Gulp Hydration Pack, Double Gulp Hydration Pack, Gulp Design, Gulp Beer Fountain, Gulp! Wine Newsletter, B. Gulp-it, Gulp Promotion, Cytomax Gulp 'N Go, Gulp!, The Gulp Stopper, The Garelli Gulp, Grip N Gulp, and Google Gulp!

19. Prior to her application for a trademark, Applicant was using the Healthy Gulp mark for product conception, development and to formulate a logo.

I trust you will find these responses adequate. Thank you for your cooperation in this regard.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan B. Bucenell", written in a cursive style.

Susan B. Bucenell  
Healthy Gulp

May 19, 2008

Foley & Lardner LLP  
Mr. David A. Copland  
321 North Clark Street  
Suite 2800  
Chicago, IL 60610-4764

MAY 22 2008

ER

XC CRM  
XC DAC  
XC  
XC

Re: HEALTHY GULP  
Application Serial No. 78/916,143

Dear Mr. Copland,

I am in receipt of your DECLARATION OF DAVID A. COPLAND IN SUPPORT OF OPPOSER'S MOTION FOR AN ORDER TO COMPEL, OPPOSER'S MOTION FOR AN ORDER TO COMPEL APPLICANT'S RESPONSES TO DISCOVERY, and OPPOSER'S MEMORANDUM OF LAW AND FACT IN SUPPORT OF ITS MOTION, filed with the Board on behalf of 7-Eleven, the Opposer.

I was surprised by these Motions, as I was not aware that I had not complied with your requests for discovery. Your request for supplementation of my discovery responses were provided in my letter dated January 9, 2008. (Attachment A).

There seems to be three areas you feel as though I have not complied with your discovery requests: Healthy Gulp sales data, the geographical area that Healthy Gulp is sold and marketed, and detailed information and documents of third party uses of the term "gulp".

**HEALTHY GULP SALES DATA (Int. No. 4 & Req. No. 5)**

Regarding Healthy Gulp's sales data, I direct your attention to #5 in Attachment A. I stated, "The response provided specifically stated that product sales did not commence until the 4th quarter of 2007 and the end of the quarter sales report is not yet complete. Please state the relevance of this information to this matter and sales information will be provided when available, if relevant."

I was waiting on your response as to its relevance. And since I had not received any response, I did not provide them. Nevertheless, subject to, and without waiver of the foregoing objection to its relevance, Healthy Gulp's total sales for year ending 2007 were \$456.00. This figure does not include marketing and promotional product give-aways.

These sales were a combination of internet sales generated from Healthy Gulp's website, sales prompted by a previous free sample of Healthy Gulp, or word of mouth sales through others who had seen or heard of Healthy Gulp.

As for documents regarding these sales and where they were made, most were cash sales and no

records exist. The geographical territory in which these sales were made and sent to is discussed in the next section.

**GEOGRAPHIC TERRITORY OF MARKETING, SALES, DISTRIBUTION (Req. No. 7)**

As previously stated in Interrogatory responses and in my letter dated January 9th, 2008, Healthy Gulp is marketed worldwide via the World Wide Web at [www.healthygulp.com](http://www.healthygulp.com). Healthy Gulp is sold and distributed via this website. Healthy Gulp has also been sold, marketed and distributed locally (Applicants geographical area) and nationally, as cash sales and promotional free samples. I have detailed these events in previous responses and have provided all documents responsive to this request.

I again direct your attention to Attachment A. Postal receipts which detailed exactly where each Healthy Gulp shipment was sent. This included the town, state and zip code of each order and/or free sample. Therefore, I have provided very specific information regarding where sales have been made and where products were shipped to include sales as well as promotional samples.

Further, I provided details and documents regarding other promotional events in which Healthy Gulp was a participant. Yet in your motion you indicate that "Bucenell also referenced a fund raising event related to an organization with the word "Atlanta" in its name, but provided no clear information regarding where the event was or how the mark was used in association with the mark"

My apologies, Atlanta is in the State of Georgia. And to be clear, my response indicated that this particular event you made reference to was Paws for Cocktails, a benefit for the Atlanta Pet Rescue and that Healthy Gulp was given away free of charge. Additionally, a copy of the invitation was provided to you that does provide the exact address for the Paws For Cocktails Fund Raiser Event. It was at the Park Tavern, Piedmont Park, at the corner of 10th and Monroe, in Atlanta. (In the State of Georgia)

Moreover, if you review the copies of the e-mails that were provided with my letter, regarding this event, it is clear how Healthy Gulp was used in association with this event-as door prizes and giveaways.

Regarding the contest at QVC, you indicated that "Bucenell...but has provided no clear information regarding where the contest was or how the mark was used in association with the contest." On the contrary, you were provided with a copy of the Product Search Event Confirmation email. In it you will notice that Oprah's Search for the Next Big Idea was at the QVC Studio Park, 1200 Wilson Drive, West Chester, PA., 19380. Healthy Gulp was one of hundreds of products selected to be displayed and evaluated for Oprah's/QVC Contest entitled "The Next Big Idea".

In view of the foregoing, I believe that I have complied with your discovery requests, and have no further documents responsive to Req. No 7, other than those already provided. Perhaps you should review the documents in their entirety prior to advising the Board that Healthy Gulp has

[ not complied. ]

**KNOWLEDGE OF THIRD PARTY "GULP" PRODUCTS (Int. No. 18 & Req. No. 26)**

In your motion you indicate that "Bucenell has offered no legitimate grounds for her failure to comply with 7-Eleven's discovery requests." I did not know I had not complied. In fact, in two previous responses, Applicants Responses to Opposer's Interrogatories and again in my letter (Attachment A) dated January 9, 2008 supplementing my discovery responses I provided responses to both Int. No. 18 and Req. No. 26. Regarding Req. No. 26, I indicated that the only documents that I had relating to this request were those relating to 7-Eleven vs. Wechsler. They were and still are the only documents that I have relating to Req. No. 26.

Regarding Int. No. 18, I provided the names of 22 products which I was aware of that had used the word "gulp". These are third party products and companies and I am not privy to the annual volume of products distributed and the geographic territory in which they are distributed.

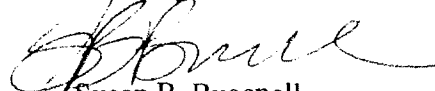
I became aware of these third party products that use the name "gulp" in their product name via internet research. A search conducted on the USPTO website of live trademark names using the key word "gulp" revealed numerous names, many of which belong to the Opposer, others do not. I also conducted a search on the internet using the "Google" search engine. I searched the key word "gulp" to find additional products using the word "Gulp" in their product name. This search netted over 5 million "hits". I then vetted out those "hits" that were products containing the word "gulp" in their name. I did this for approximately 15-20 pages of "hits" and then simply wrote the names on a piece of scrap paper. I have provided these names in my letter supplementing discovery requests.

Attached please find a copy of the piece of scrap paper that I used to write these names on. (Attachment B) I do not have any other documents relative to this request. Moreover, this information is equally available to the Opposer by conducting the same simple internet searches.

However, in your Motion to Compel you indicate that "Opposer finds it surprising that applicant has identified 21 other names or marks yet has no documents related to the same." The Applicant finds it surprising that the Opposer is not aware of these products and has not done these same simple searches. The applicant also finds it offensive that you would insinuate that I have these documents and willfully ignored a judicial request for them.

As you can see, I had no reason to believe that I had not complied with your discovery requests. In view of the foregoing clarifications, please advise if you intend to withdraw your Motion to Compel.

Sincerely,



Susan B. Bucenell  
Healthy Gulp

DAC  
—  
XC  
—  
XC  
—

October 22, 2008

OCT 22 2008  
ER

Foley & Lardner LLP  
Mr. David A. Copland  
321 North Clark Street  
Suite 2800  
Chicago, IL 60610-4764

Re: HEALTHY GULP  
Application Serial No. 78/916,143

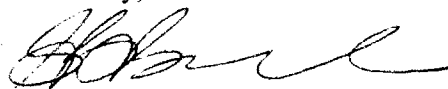
Dear Mr. Copland:

This letter is in response to the Board's response, dated September 26, 2008, to the Opposer's, 7-Eleven, Inc. motion to compel, filed May 5, 2008.

Regarding Interrogatory No. 4 and Document Request No. 5, please find the enclosed copies of Healthy Gulp's State of Florida Quarterly Tax Returns for the collection period of July 2007 to September of 2008. Healthy Gulp's sales for 2007 (August to December 2007) totaled \$356.00. (Please note a previous typographical error indicating \$456.00) Healthy Gulp's sales for 2008 year to date are \$266.00. Healthy Gulp's up to date (as of September 30, 2008) gross sales total \$622.00 which amounts to approximately 478 individual units to date.

Should you have any questions, please contact me at 813-333-4284 or [sbucenell@tampabay.rr.com](mailto:sbucenell@tampabay.rr.com).

Sincerely,



Susan B. Bucenell, Healthy Gulp

Certificate Number: 61-8013640718-3

## SALES AND USE TAX RETURN

HD/PM Date: / /

DR-15 R. 01/07

Florida

1. Gross Sales

2. Exempt Sales

3. Taxable Amount

4. Tax Collected

- A. Sales/Services  
B. Taxable Purchases  
C. Commercial Rentals  
D. Transient Rentals  
E. Food & Beverage Vending

45,98	.	45,98	3.22
Include use tax on Internet / out-of-state untaxed purchases			
.	.	.	.
.	.	.	.
.	.	.	.

Transient Rental Rate: .0800

Surtax Rate: .0100

Collection Period  
JUL - SEP 2007

HEALTHY GULP LLC  
30623 BITTSBURY CT  
WESLEY CHAPEL FL 33543-3925

Check here  
if donating  
collection allowance  
to education, and  
leave Line 11 blank.

5. Total Amount of Tax Collected	3.22
6. Less Lawful Deductions	.
7. Total Tax Due	3.22
8. Less Est Tax Pd / DOR Cr Memo	.
9. Plus Est Tax Due Current Month	.
10. Amount Due	3.22
11. Less Collection Allowance	.08
12. Plus Penalty	.00
13. Plus Interest	.00
14. Amount Due with Return	3.14



FLORIDA DEPARTMENT OF REVENUE  
5050 W TENNESSEE ST

Due: OCT 01 2007  
Late After: OCT 22 2007

☐ Check here if payment was  
made electronically.

Do Not Write in the Space Below

0500 0 20070930 0001003031 4 4000001364 0718 0

Under penalties of perjury, I declare that I have read this return and the facts stated in it are true (sections 92.525(2), 212.12, and 837.06, Florida Statutes).

9/30/07

9/30/07

Signature of Taxpayer

Date

Signature of Preparer

Date

pol 3.14  
ck. #1020

### Discretionary Sales Surtax ( Lines 15(a) through 15(d) )

- 15(a). Exempt Amount of Items Over \$5,000 (included in Column 3) ..... 15(a).
- 15(b). Other Taxable Amounts **NOT** Subject to Surtax (included in Column 3) ..... 15(b).
- 15(c). Amounts Subject to Surtax at a Rate Different Than Your County Surtax Rate (included in Column 3) ..... 15(c).
- 15(d). **Total Amount of Discretionary Sales Surtax Collected** (included in Column 4)..... 15(d).
16. Total **Enterprise Zone Jobs Credits** (included in Line 6) ..... 16.
17. Taxable Sales/Untaxed Purchases of **Electric Power or Energy** — 7% Rate (included in Line A)..... 17.
18. Taxable Sales/Untaxed Purchases of **Dyed Diesel Fuel** — 6% Rate (included in Line A)..... 18.
19. Taxable Sales from **Amusement Machines** (included in Line A) ..... 19.
20. Rural and/or Urban High Crime Area Job Tax Credits ..... 20.
21. Other Authorized Credits ..... 21.

N/A  
↓  
0.10%  
N/A  
↓  
6



State of Florida  
**Department of Revenue**

DOR Home | LogOut or Exit | Print Page  
 State of Florida Tax Return

Help  
 1/12/2008 12:46:54 PM E.T.  
 Account #: AF1364071801  
 DR15-EZ

**Confirmation Number: 080112268542**

Certificate Number	Collection Period	Confirm Date and Time
61-8013640718-3	10/2007 - 12/2007	01/12/2008 12:46:54 PM ET

Location Address

30623 BITTSBURY CT  
 WESLEY CHAPEL, FL 33543-3925

HEALTHY GULP LLC  
 1936 BRUCE B DOWNS BLVD # 308  
 WESLEY CHAPEL, FL 33544-9262

Debit Date: 1/14/2008  
 Amount for Check: \$20.25  
 Bank Routing Number: 063100277  
 Bank Account Number: XXXXXXXXXX  
 Bank Account Type: Checking  
 Corporate/Personal: Corporate

I hereby authorize the Department of Revenue to process this ACH transaction and to debit the checking account identified above. I understand there may be service charges assessed on any transactions not honored by my bank.

Signature: SUE BUCENELL  
 Phone Number: 727-224-5751  
 EMail: sbucenell@tampabay.rr.com  
 Address:

1. Gross Sales (Do not include tax)	\$	310.00
2. Exempt Sales (Include these in Gross Sales, Line 1)	\$	0.00
3. Taxable Sales/Purchases	\$	310.00

Discretionary Sales Surtax Information

A. Taxable Sales and Purchases Not Subject to Discretionary Sales Surtax	\$	200.00
B. Total Discretionary Sales Surtax Collected	\$	1.65

**You have chosen not to donate your collection allowance to education.**

4. Total Tax Collected (Include Discretionary Surtax from Line B)	\$	20.25
5. Less Lawful Deductions	\$	0.00
6. Less DOR Credit Memo	\$	0.00
7. Total Tax Due	\$	20.25
8. a. Less (-) Collection Allowance; or if Late, b. Plus (+) Penalty and Interest	\$	0.00
	\$	0.00

9. Amount Due With Return

\$

20.25

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State of Florida  
**Department of Revenue**

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Help  
 4/15/2008 9:41:01 PM E.T.  
 Account #: AF1364071801  
 DR15-EZ

**Confirmation Number: 080415696859**

Certificate Number	Collection Period	Confirm Date and Time
61-8013640718-3	01/2008 - 03/2008	04/15/2008 9:41:00 PM ET

Location Address

30623 BITTSBURY CT  
 WESLEY CHAPEL, FL 33543-3925

HEALTHY GULP LLC  
 1936 BRUCE B DOWNS BLVD # 308  
 WESLEY CHAPEL, FL 33544-9262

Debit Date: 4/18/2008  
 Amount for Check: \$6.05  
 Bank Routing Number: 063100277  
 Bank Account Number: ~~XXXXXXXXXX~~  
 Bank Account Type: Checking  
 Corporate/Personal: Corporate

I hereby authorize the Department of Revenue to process this ACH transaction and to debit the checking account identified above. I understand there may be service charges assessed on any transactions not honored by my bank.

Signature: Susan B. Bucenell  
 Phone Number: 813-333-4284  
 EMail: sbucenell@tampabay.rr.com  
 Address:

1. Gross Sales (Do not include tax)	\$	79.96
2. Exempt Sales (Include these in Gross Sales, Line 1)	\$	0.00
3. Taxable Sales/Purchases	\$	79.96

**Discretionary Sales Surtax Information**

A. Taxable Sales and Purchases Not Subject to Discretionary Sales Surtax	\$	50.00
B. Total Discretionary Sales Surtax Collected	\$	0.75

**You have chosen not to donate your collection allowance to education.**

4. Total Tax Collected (Include Discretionary Surtax from Line B)	\$	6.05
5. Less Lawful Deductions	\$	0.00
6. Less DOR Credit Memo	\$	0.00
7. Total Tax Due	\$	6.05
8. a. Less (-) Collection Allowance; or if Late, b. Plus (+) Penalty and Interest	\$	0.00
	\$	0.00

9. Amount Due With Return

\$

6.05

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# State of Florida Department of Revenue

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State of Florida Tax Return

Help  
7/20/2008 6:09:07 PM E.T.  
Account #: AF1364071801

## Confirmation Number: 080720194896

DR15-EZ

Certificate Number	Collection Period	Confirm Date and Time
61-8013640718-3	04/2008 - 06/2008	07/20/2008 6:08:40 PM ET

Location Address

30623 BITTSBURY CT  
WESLEY CHAPEL, FL 33543-3925

HEALTHY GULP LLC  
1936 BRUCE B DOWNS BLVD # 308  
WESLEY CHAPEL, FL 33544-9262

1. Gross Sales \$ 0.00  
(Do not include tax)  
2. Exempt Sales \$ 0.00  
(Include these in Gross Sales, Line 1)  
3. Taxable Sales/Purchases \$ 0.00

### Discretionary Sales Surtax Information

A. Taxable Sales and Purchases Not  
Subject to Discretionary Sales Surtax \$ 0.00  
B. Total Discretionary  
Sales Surtax Collected \$ 0.00

4. Total Tax Collected \$ 0.00  
(Include Discretionary Surtax from Line B)  
5. Less Lawful Deductions \$ 0.00  
6. Less DOR Credit Memo \$ 0.00  
7. Total Tax Due \$ 0.00  
8. a. Less (-) Collection Allowance; or if Late, \$ 0.00  
b. Plus (+) Penalty and Interest \$ 0.00  
9. Amount Due With Return \$ 0.00

**You have chosen not to donate your  
collection allowance to education.**

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State of Florida  
**Department of Revenue**

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[Help](#)  
 10/20/2008 11:04:33 AM E.T.  
 Account #: AF1364071801

**Confirmation Number: 081020629881**

DR15-EZ

Certificate Number	Collection Period	Confirm Date and Time
<b>61-8013640718-3</b>	<b>07/2008 - 09/2008</b>	<b>10/20/2008 11:03:34 AM ET</b>

Location Address

30623 BITTSBURY CT  
 WESLEY CHAPEL, FL 33543-3925

HEALTHY GULP LLC  
 1936 BRUCE B DOWNS BLVD # 308  
 WESLEY CHAPEL, FL 33544-9262

Debit Date:	10/21/2008
Amount for Check:	\$13.02
Bank Routing Number:	063100277
Bank Account Number:	<del>XXXXXXXXXXXX</del>
Bank Account Type:	Checking
Corporate/Personal:	Corporate
I hereby authorize the Department of Revenue to process this ACH transaction and to debit the checking account identified above. I understand there may be service charges assessed on any transactions not honored by my bank.	
Signature:	Sue Bucenell
Phone Number:	813-333-4284
E-Mail Address:	sbucenell@tampabay.rr.com

1. Gross Sales (Do not include tax)	\$	186.00
2. Exempt Sales (Include these in Gross Sales, Line 1)	\$	0.00
3. Taxable Sales/Purchases	\$	186.00

Discretionary Sales Surtax Information		
A. Taxable Sales and Purchases Not Subject to Discretionary Sales Surtax	\$	0.00
B. Total Discretionary Sales Surtax Collected	\$	1.86
4. Total Tax Collected (Include Discretionary Surtax from Line B)	\$	13.02
5. Less Lawful Deductions	\$	0.00
6. Less DOR Credit Memo	\$	0.00
7. Total Tax Due	\$	13.02
8. a. Less (-) Collection Allowance; or if Late, b. Plus (+) Penalty and Interest	\$	0.00
9. Amount Due With Return	\$	13.02

**You have chosen not to donate your collection allowance to education.**

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